

## **3.5 GREEN ACRES GUIDELINES FOR LAND SURVEYS**

### **3.5.1 GENERAL REQUIREMENTS FOR ALL WORK**

#### **3.5.1.1 RESPONSIBILITY FOR WORK**

The New Jersey Licensed Land Surveyor who is a member of the survey firm under contract shall be the primary point of contact for this contract. The New Jersey Licensed Land Surveyor shall be responsible for obtaining all deeds, records, maps, measurements, and evidence to conduct a correct and accurate land survey and for providing all deliverables according to the contract. The New Jersey Licensed Land Surveyor shall insure that the plan of survey and corresponding Description of Property shall be prepared and presented in the format as specified, attested to by the New Jersey Licensed Land Surveyor's embossed seal and original signature. The New Jersey Licensed Land Surveyor is responsible for checking all work and insuring that the deliverables are forwarded in the format specified in the Deliverables section of the contract to the Using Agency within the time period specified in the engagement award.

#### **3.5.1.2 SUPERVISION**

The New Jersey Licensed Land Surveyor is responsible for coordinating the research and supervising the field work and document preparation associated with the land survey. Evidence of personal supervision is signified by the original signature and raised seal of the Land Surveyor on each land survey document submitted, except as may be provided in these guidelines. It is for this reason that rubber stamps or digital signatures of the Land Surveyor are not acceptable.

#### **3.5.1.3 RESEARCH**

The New Jersey Licensed Land Surveyor is responsible for coordinating the research necessary to obtaining sufficient documentation and evidence to render a survey plan which is correct as well as accurate to the stated specifications and standards. For site-specific bidding purposes, the surveyor shall be prepared to conduct all the research required to complete the work by the due date. Land survey plans for adjoining state owned property may be obtained from the administering division or from the original survey firm that prepared the work for the NJDEP.

#### **3.5.1.4 FIELD PROCEDURES AND CREW RESPONSIBILITIES**

The New Jersey Licensed Professional Land Surveyor shall be responsible for the work of all survey crews operating from the firm. The survey crew shall endeavor to cause as little inconvenience as possible to property owners when conducting the field survey.

Whenever possible, random traverse lines shall be run within the property being surveyed rather than upon the lands of an adjoiner. If traverse lines are run upon the lands of an adjoiner, no clearing of lines shall be conducted without the prior written consent of the party whose name appears as the property owner on the tax rolls of that municipality.

Painting and flagging evidence shall be kept to a minimum, and permanent paint shall not be used on lands of the adjoiner without prior written consent of that landowner. Littering or damaging any property may subject the offenders and licensee to possible civil action.

Large trees shall not be cut to clear line without the prior consent of the Using Agency. Brushing-out of lines on adjoining land shall be kept to a minimum and is only permitted with the prior written consent of the owner. Brushing-out of lines on future state property shall be kept to a minimum. The surveyor is responsible for compliance with regulations, including procuring permits with regard to disturbance of wetland vegetation. Copies of the written consent documents, if any, must be forwarded to the Using Agency with the final deliverables.

#### **3.5.1.5 COST ESTIMATING**

The New Jersey Licensed Professional Land Surveyor shall be responsible for preparing accurate proposals to cover all projected costs associated with the completion of work in accordance with the contract to the satisfaction of the Using Agency. Failure on the part of the

New Jersey Licensed Professional Land Surveyor to adequately project costs will not be accepted as justification for payment request for additional work.

#### **3.5.1.6 NOTIFICATION OF PARTIES AND SURVEYORS' RIGHT OF ENTRY**

The New Jersey Licensed Land Surveyor shall prepare and send fax and written notices as prescribed herein that their firm has been awarded a contract to conduct a land survey of the property and the scheduled period of time that survey crews are scheduled to be present on the property.

##### **3.5.1.6.1 AGENCY FAX NOTIFICATION**

Prior to starting any field work, the New Jersey Licensed Land Surveyor must notify the Administering Agency BY FAX that the survey firm has been engaged to perform property survey work on the site identified by the notice and the dates that field crews will be present. The notification is to be made using the sample division notification and sent by facsimile transmission (fax) to the appropriate division representative. The paper copy of the fax letter is to be forwarded to the using agency as a deliverable with all other notifications.

#### **SEE ATTACHMENT 8 – AGENCY FAX NOTIFICATION**

##### **3.5.1.6.2 PROPERTY OWNER, ADJOINERS AND POLICE NOTIFICATION**

The New Jersey Licensed Land Surveyor must send written notice to the property owner (or designated representative), and any adjacent property owners upon whose land it may be necessary to enter to complete the survey. The notice shall be reproduced as prescribed on company letterhead with a copy being sent to the police department of the municipality where the job is located and to the Using Agency as a deliverable.

#### **SEE ATTACHMENT 9 –NOTIFICATION OF ENTRY LETTER**

##### **3.5.1.6.3 OTHER NOTIFICATIONS**

It shall be the responsibility of the New Jersey Licensed Land Surveyor to determine if other notifications shall be necessary. Copies of any notices shall be provided to the Using Agency as confirmation with all other survey deliverables.

When digging will be necessary, the Underground Facility Protection Act, NJSA 2C:17-5, requires a phone call to 1-800-272-1000 three business days prior to digging to request that underground utilities be marked out on site.

If it becomes necessary to enter the property without the permission of the owner, there are three statutory provisions allowing entry:

- 1) The Surveyor's Trespass Law, NJSA 45:8-44.1, to go on, over and upon lands of others during reasonable hours to make a land survey;
- 2) As an agent of the Commissioner of the Department of Environmental Protection, pursuant to NJSA 13:8A-16 land surveyors may enter on any lands for the purpose of making surveys or other inspections;
- 3) Pursuant to the provisions of Preliminary Entry of the Eminent Domain Statute, NJSA 20:3-16, agent surveyors of a prospective condemnor may enter lands during reasonable business hours to make a land survey.

Each statute requires that written notice must be sent via the United States Postal Service as Certified Mail, Return Receipt Requested. Such notice, if required, shall be sent prior to entry and the notice shall be reproduced on the letterhead of the survey firm, substantially in accordance with sample Notification of Entry Letter. See Attachment 9.